

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|------------------------------------|
| MICHAEL A. LOMBARDO, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | CIVIL ACTION NO. 24-CV-4742 |
| | : | |
| COUNTY OF LEHIGH, <i>et al.</i>, | : | |
| Defendants. | : | |

ORDER

AND NOW, this 7th day of October, 2024, upon consideration of Michael Anthony Lombardo's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Michael A. Lombardo, #186008, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lehigh County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Lombardo's inmate account; or (b) the average monthly balance in Lombardo's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Lombardo's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Lombardo's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Lehigh County Jail.
4. The Complaint is **DEEMED** filed.
5. For the reasons stated in the Memorandum, Lombardo's Complaint is dismissed as follows:
 - a. All federal claims are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim.
 - b. All state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
6. Lombardo's request for the appointment of counsel is **DENIED**. *See Tabron v. Grace*, 6 F.3d 147, 155 (3d Cir. 1993).
7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ John Milton Younge

JOHN MILTON YOUNGE, J.